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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/650,834	05/20/1996	STEPHEN C. WREN	WR-6	3077

23838 7590 06/25/2002

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EXAMINER

KALINOWSKI, ALEXANDER G

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 06/25/2002

38

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory ActionApplication No.
08/650,834Applicant(s)
Stephen C. WrenExaminer
Alexander KalinowskiArt Unit
3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Jun 12, 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ they raise the issue of new matter (see NOTE below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attached

3. ☐ Applicant's reply has overcome the following rejection(s):

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see attached

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 30-87

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 36

10. ☐ Other:

JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER
Patent Paper No. 38

Applicant attempts to overcome the final rejection of claims 30-87 based on 35 USC 112(1) and 35 USC 103 by amending the specification and requesting reconsideration of the rejection in light of Applicant's arguments. After careful review of Applicant's arguments, the Examiner finds Applicant's arguments nonpersuasive and the rejection of claims 30-87 based on 35 USC 112(1) and 35 USC 103 are maintained.

With respect to Applicant's amendment to the specification, Applicant attempts to add two pages of description to the specification. The Examiner notes that the attempted amendment of the specification is directed to providing a detailed explanation of Figure 1 of the drawing. The proposed amendment would require further consideration on the part of the Examiner to determine whether the proposed additions to the specification were adequately supported by the current specification or whether the proposed additions to the current specification constitute new matter. Therefore, Applicant's proposed amendment to the specification requires new consideration. Therefore, the amendment to the specification will not be considered.

With respect to Applicant's arguments directed to the rejection of claims 44-76 and 78-87 based on 35 USC 112(1), Applicant argues that the rejection is inapplicable since the claims do not recite a computerized central communications facility coupled to another computerized central communications facility. Applicant further argues that claims 44, 59, 70, 82 and 87 recite directing or providing information that directs the remote facility to another central communications facility and that the term coupling is different from the term directing. However, Applicant later argued with respect to the rejection of claims 30-43 and 77 based on 35 USC 112(1) that since the central communications facility directs the user to another central communications facility that the central communications facilities are coupled to each other. The Examiner notes that Applicant previously argued with respect to the rejection of claims 30, 44, and 70 that the references (i.e. D'Agostino) do not disclose representative terminals that are coupled to each other although Applicant noted the term "coupled to" in claim 30 and "adapted to direct to" in claims 44 and 70 (see Paper No. 33, page 21). Based on the arguments in Paper No. 33, it seems that Applicant argued that the terms "coupled" and "direct to" were synonymous and that the terms were interchangeable. Moreover, based on Applicant's previous arguments, the Examiner interpreted the terms "coupled" and "directed to" to be synonymous. Now the Applicant argues that the terms "coupled" and "directed to" are different. The proposed change in the definition of the terms "coupled" and "directed to" would change the scope of the independent claims and such a proposed change would require further consideration on the part of the Examiner. Therefore, the Examiner finds Applicant's arguments with respect to the terms to be nonpersuasive and maintains the rejection of claims 44-76 and 78-87 based on 35 USC 112(1).

With respect to Applicant's arguments directed to the rejection of claims of claims 30-43 and 77 based on 35 USC 112(1), Applicant argues that one of ordinary skill in the art would have understood from the drawing and the written description that each of the central communications facilities is capable of communicating with other central communications facilities. The Examiner disagrees. As noted in the Final rejection, the Examiner cannot find any reference in the specification that describes the claimed feature that each of the central communications facilities is capable of communicating with other central communications facilities (i.e. computerized central communications facility coupled to another computerized central communications facility as claimed). Furthermore, the Examiner notes that Applicant does not provide any citations to the

specification indicating that there was support in the specification for the limitation of each of the central communications facilities is capable of communicating with other central communications facilities. Moreover, Applicant's arguments that the electronic address book or directory of goods and service providers couples the central communications facilities to each other since this enables customers to be **directed** to another central communications facility seems to contradict Applicant's previous argument that claims directed to coupling central communications facility are different from claims that direct or provide information that directs the remote facility to another central communications facility. The terms "directing" and "coupling" are different or they are synonymous. They cannot be synonymous for some arguments and not synonymous for other arguments. Finally, Applicant argues that one of ordinary skill in the art would have understood the figure to represent central communications facilities that are coupled to each other: The Examiner notes that the standard to apply for 35 USC 112(1) purposes is if the specification conveys with reasonable clarity to one of ordinary skill in the art as of the filing date sought that the inventor was in possession of the invention and that the invention is whatever is now claimed (see MPEP 2106.1 and 2163.03). Since the specification is silent with respect to computerized central communications facility coupled to another computerized central communications facility as claimed, the Examiner can only conclude that this feature was not part of Applicant's invention at the time of filing. Therefore, Applicant's arguments are nonpersuasive and the Examiner maintains the rejection of claims 30-43 and 77 based on 35 USC 112(1).

With respect to Applicant's arguments directed the rejection of claims 30-37, 39-43 and 77 based on 35 USC 103 to the D'Agostino and Dworkin references, the arguments are similar to the arguments presented by Applicant in Paper No. 33 and the Examiner refers Applicant to the Examiner's response in Paper No.35 for a detailed explanation. The Examiner finds Applicant's arguments nonpersuasive and maintains the rejection of claims 30-37, 39-43 and 77 based on 35 USC 103.

With respect to Applicant's arguments directed to the rejections of claims 44-55, 57-65, and 67-76 based on 35 USC 103, Applicant argues that the rejection is improper since the Randle reference is not prior art. Furthermore, Applicant asserts that support for all of the claimed limitations of claims 44-55, 57-65, and 67-76 is found in Application Ser. No 08/268,309. The Examiner disagrees. Nowhere in the specification of 08/268,309 is there support for more than one central communications facility transmitting information to a remote facility or more than one central communications facility with a database of goods and services. Support for these features is found in the instant application only. Randle was used to reject these features and the Randle reference is prior art with respect to features that find support in the instant application. Therefore, Applicant's arguments are nonpersuasive and maintains the rejection of claims 44-55, 57-65, and 67-76 based on 35 USC 103.

With respect to the rejection of claim 38, since Applicant's argument is predicated on the arguments to the rejection of claim 30 and since the Examiner found Applicant's arguments to be nonpersuasive, the Examiner finds Applicant's argument directed to claim 38 to be nonpersuasive for the same reasons as for claim 30.

Therefore, the after final amendment will not be entered for the reasons stated above and final rejection of claims 30-87 is maintained.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 6:30 AM to 4:00 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor, receptionist.

Alexander Kalinowski *AK*
June 22, 2002

Joseph Thomas
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SUPERVISORY PATENT EXAMINER
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